



REVISED: 2-4-09

**NOTICE OF EXECUTIVE AND
REGULAR SESSIONS OF
THE FOUNTAIN HILLS TOWN COUNCIL**

Mayor Jay T. Schlum

Councilmember Mike Archambault

Councilmember Dennis Contino

Councilmember Ginny Dickey

Councilmember Cassie Hansen

Vice Mayor Henry Leger

Councilmember Keith McMahan

TIME: 5:00 P.M. - EXECUTIVE SESSION
(Executive Session will be held in the Fountain Conference Room - 2nd floor)

6:30 P.M. - REGULAR SESSION

WHEN: THURSDAY, FEBRUARY 5, 2008

WHERE: FOUNTAIN HILLS COUNCIL CHAMBERS
16705 E. AVENUE OF THE FOUNTAINS, FOUNTAIN HILLS, AZ

PROCEDURE FOR ADDRESSING THE COUNCIL

Anyone wishing to speak before the Council must fill out a speaker's card and submit it to the Town Clerk prior to Council discussion of that Agenda item. Speaker Cards are located in the Council Chamber Lobby and near the Clerk's position on the dais.

Speakers will be called in the order in which the speaker cards were received either by the Clerk or the Mayor. At that time, speakers should stand and approach the podium. Speakers are asked to state their name prior to commenting and to direct their comments to the Presiding Officer and not to individual Councilmembers. Speakers' statements should not be repetitive. *If a speaker chooses not to speak when called, the speaker will be deemed to have waived his or her opportunity to speak on the matter. Speakers may not (i) reserve a portion of their time for a later time or (ii) transfer any portion of their time to another speaker.*

If there is a Public Hearing, please submit the speaker card to speak to that issue during the Public Hearing.

Individual speakers will be allowed **three** contiguous minutes to address the Council. Time limits may be waived by (i) *discretion of the Town Manager upon request by the speaker not less than 24 hours prior to a Meeting*, (ii) *consensus of the Council at Meeting* or (iii) *the Mayor either prior to or during a Meeting*. Please be respectful when making your comments. If you do not comply with these rules, you will be asked to leave.

EXECUTIVE SESSION AGENDA

- **CALL TO ORDER**
- **ROLL CALL** – Mayor Schlum
- 1.) **ROLL CALL AND VOTE TO GO INTO EXECUTIVE SESSION:** (i) Pursuant to §38-431.-3(a)(4), For discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation. (*Specifically, negotiations regarding the Firerock tax litigation*); and (ii) Pursuant to A.R.S. §38-431.03(A)(1), Discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee of any public body, except that, with the exception of salary discussion, an officer, appointee or employee may demand that the discussion or consideration occur at a public meeting. (Specifically, reviewing applications received for possible service on the Parks and Recreation Commission and the Strategic Planning Advisory Commission.)
- 2.) **ADJOURNMENT.**

REGULAR SESSION AGENDA

- **CALL TO ORDER AND PLEDGE OF ALLEGIANCE** – Mayor Schlum
- **INVOCATION** – Deacon Richard Smith, Church of the Ascension
- **ROLL CALL** – Mayor Schlum
- **MAYOR'S REPORT**
 - (i) Rotation of the Vice Mayor position to Councilmember Mike Archambault. Pursuant to Section 2-2-2 of the Fountain Hills Town Code, each member of the Council, except the Mayor, shall serve an eight-month term as Vice Mayor and shall perform the duties of the Mayor during his absence or disability.
 - (ii) Recognition of Samuel Nicholson for his past service as a member of the Board of Adjustment.
- **SCHEDULED PUBLIC APPEARANCES/PRESENTATIONS**
 - (i) Presentation by Judi Confer, the Executive Director of the River of Times Museum, relating to proposed changes to the Museum.
 - (ii) Presentation of two art donations by Parks and Recreation Director Mark Mayer - "Need a Lift" by Randy Hand, and "Winter View" by Carlos Hadaway.

CALL TO THE PUBLIC

Pursuant to A.R.S. §38-431-01(G), public comment is permitted (not required) on matters not listed on the agenda. Any such comment (i) must be within the jurisdiction of the Council and (ii) is subject to reasonable time, place, and manner restrictions. The Council will not discuss or take legal action on matters raised during "Call to the Public" unless the matters are properly noticed for discussion and legal action. At the conclusion of the call to the public, individual Councilmembers may (i) respond to criticism, (ii) ask staff to review a matter or (iii) ask that the matter be placed on a future Council agenda.

CONSENT AGENDA

- 1.) **CONSIDERATION** of approving the TOWN COUNCIL MEETING MINUTES from January 9, 13, and 15, 2009.
- 2.) **CONSIDERATION** of RESOLUTION, 2009-02, approving an Intergovernmental Agreement (IGA) with the Fort McDowell Yavapai Nation relating to Proposition 202 funding for 2008 in the amount of \$189,900, and authorizing the expenditures to the following entities once the funds are received: (i) The River of Time Museum in the amount of \$15,000, (ii) The Fountain Hills Chamber of Commerce Visitor's Bureau in the amount of \$45,000, and (iii) The Fountain Hills Unified School District #98 in the amount of \$129,900.

REGULAR AGENDA

- 3.) **CONSIDERATION** of CANCELLING the February 19, 2009, Regular Council Meeting, at the request of Mayor Jay T. Schlum, due to meeting with El Salvador's Minister of Foreign Affairs the same evening.
- 4.) **CONSIDERATION** of APPOINTING three (3) citizens to the Board of Adjustment for a two-year term beginning February 1, 2009, and ending January 31, 2011.
- 5.) **DISCUSSION WITH POSSIBLE DIRECTION TO STAFF** relating to the reduced scope of work and reduced fee for parking improvements at the Botanical Garden.
- 6.) **CONSIDERATION** of a SPECIAL EVENT APPLICATION for the St. Patrick's Day Celebration presented by the Town of Fountain Hills to be held in Fountain Park, which is scheduled for March 14, 2009, and will require closure of Saguaro Boulevard north of Avenue of the Fountains to Palisades Boulevard from 6:00 a.m. to 8:00 p.m.
- 7.) **CONSIDERATION** of a SPECIAL EVENT LIQUOR LICENSE application submitted by Larry Antes (Sons of AMVETS Squadron 7) for support of the St. Patrick's Day Celebration to be held in Fountain Park, which is scheduled for March 14, 2009, from 10:00 a.m. to 6:30 p.m.
- 8.) **PRESENTATION AND DISCUSSION WITH POSSIBLE DIRECTION TO STAFF** regarding the status of State Trust Land adjacent to the McDowell Mountain Preserve.
- 9.) **CONSIDERATION** for approving RESOLUTION 2009-01, abandoning whatever right, title, or interest the Town has in the certain easterly half right-of-way width of Mary Munde Drive (Walk), and a 10' Public Utility Easement, Landscape Easement, and Sidewalk Easement located at the westerly property line of Town Center 2, Lot 1 (16410 E. El Lago Blvd.) as recorded in Book 474 of Maps, Page 28, Records of Maricopa County, Arizona; with various easements retained, with stipulations. ROW08-01, EA07-29 (Roman Catholic Diocese of Phoenix)
- 10.) **CONSIDERATION** of RESOLUTION 2009-06, adopting by reference the "Drainage Policies and Standards for Maricopa County, Arizona."

- 11.) **CONSIDERATION** of ORDINANCE 09-02, adopting by reference the "Drainage Policies and Standards for Maricopa County, Arizona", amending Chapter 14 of the Town Code accordingly; and providing penalties for violations.
- 12.) **CONSIDERATION** of a SERVICES AGREEMENT with 3D/International, Inc. in the amount of \$190,401.33 for the Alamosa sidewalk improvement.
- 13.) **QUARTERLY UPDATE** by the Director of Planning and Zoning on ACTIVITIES AND PROJECTS.
- 14.) **CONSIDERATION** of adopting COUNCIL GOALS for Fiscal Year 2009-2010.
- 15.) **DISCUSSION WITH POSSIBLE DIRECTION TO STAFF** regarding the Firerock litigation.
- 16.) **COUNCIL DISCUSSION/DIRECTION** to the Town Manager.
Items listed below are related only to the propriety of (i) placing such items on a future agenda for action or (ii) directing staff to conduct further research and report back to the Council:
A. None.
- 17.) **SUMMARY** of COUNCIL REQUESTS and REPORT ON RECENT ACTIVITIES by the Town Manager.
- 18.) **ADJOURNMENT**

DATED this 29th day of January, 2009



Bevelyn J. Bender, Town Clerk

The Town of Fountain Hills endeavors to make all public meetings accessible to persons with disabilities. Please call 480-816-5100 (voice) or 1-800-367-8939 (TDD) 48 hours prior to the meeting to request a reasonable accommodation to participate in this meeting or to obtain agenda information in large print format. *Supporting documentation and staff reports furnished the Council with this agenda are available for review in the Clerk's office.*